

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUSTAVE BROWN,

Plaintiff,

v.

NYC/DOC/VCBC WARDEN CARTER,
NYC/DOC/VCBC HOUSING UNIT 3-AA
CAPTAIN GUERRA, NYC/DOC/VCBC
FACILITY STOREHOUSE CAPTAIN
HORTON, NYC/DOC/VCBC CAPTAIN
JOHN DOE INTAKE SUPERVISING
CAPTAIN,

Defendants.

No. 21-CV-8981 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On March 7, 2022, Defendants filed a motion to dismiss Plaintiff's complaint and, according to an affidavit of service filed by Defendants' counsel, served Plaintiff with the papers by mail. Dkts. 13, 15. The Court has not received a response from Plaintiff.

No later than June 30, 2022, Plaintiff shall file either a response to Defendants' motion or a letter indicating that he does not intend to file a response. If Plaintiff informs the Court that he intends to pursue this action but chooses not to oppose Defendants' motion, the Court will deem the motion fully briefed and take it under submission. *See McCall v. Pataki*, 232 F.3d 321, 322–23 (2d Cir. 2000) (“[A]lthough a party is of course to be given a reasonable opportunity to respond to an opponent's motion, the sufficiency of a complaint is a matter of law that the court is capable of determining based on its own reading of the pleading and knowledge of the law.”). If, however, Plaintiff does not respond to this Order, either by responding to the motion to dismiss or by submitting a letter indicating that he does not intend to do so, then the Court may dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: June 8, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is positioned above a horizontal line.

Ronnie Abrams
United States District Judge